

# Coop. Agency Meeting

8.9.17

Anne, David, Diane

- w/in that range - can talk about impacts in between
- would discuss the impacts in different regions
- impacts are pretty similar
- this Alt. does not establish "zones" bc that's more formal
- there would still be quite a bit of future decision making
- spent time going through our comments
- Salmar (Norway) - built in China & dragged over recently 260 mil lbs/yr
- Rose Canyon being moved to Navy site - smaller -  
< 5,000 metric tons (~~not~~ 11 million) & less ramping  
11,000,000
- going to stick to 11 million
- Ch. 4 → ppl are going to want to look up their areas...
- good to have future NEPA
- how this will be used
- Ch. 1 incl. P&N, Proj. Area
- it's good to use NEPA as a tool to set up a ~~frame~~ framework

Cooperating Agency Meeting  
7.26.17

- David Nichols, Arn
  - contract team - ECO49 
 Emma  
Kevin Kelly  
Tritan
 
    - qualitative over quantitative
    - okay if defined impact categories
    - coral reefs?
  - 3 preliminary alternatives
  - q. about specific thresholds
  - what does EPA need out of this doc to streamline permitting
  - NMFS permitting process primarily
  - went over P: N → is being tied back to NOAA policy w/ promoting sustainable seafood
  - went over Alts. - hard to digest ~~be actual impacts are~~ will be provided which sounded like a good idea
  - David: Ana were on the webinar last wk. - threshold is not defined - helpful overlap
  - consultations (ESA, Magnuson-Stevenson)
  - 5+ yr permit terms max → NPDES
  - MoA for gulf program
  - issue for Wq ~~it~~ itself - what criteria to use - open ocean thresholds/effluent? q from NOAA
  - 403-ocean disposal criteria
  - 304(a)
  - negligible, minor, moderate, major
  - usual issue: if it's already impaired
  - flushing is imp. → impact to benthos
  - Ch. 5 would be future process for describing sites
- would be helpful to know what NOAA is analyzing esp in CMMI etc. where data is thin



11:30 Elizabeth's  
6:55 schedule

Nat'l Ocean Service - James Morris

sensitive sites / ODS, monuments, critical habitat, etc.

- EPA would consider sizing, locations / alts.
- Ann going to send something ~~re EPA~~ <sup>that we can look at for</sup> helping to distinguish alts.
- ~~EPA would~~ sending us language to edit on EPA's role in our process
- 4 buckets
  - jurisdiction
  - Scenarios w/ future permits - aka Alts.
  - criteria / impact thresholds
- coral reef areas not prohibited per say
- describe types of impacts
- Alt 3 zones → may be a coral reefs?
- David sent schedule - keep in mind that it is a Programmatic

- any comments by next wk by Alts. & will pass us the scenarios →
- send us the draft of Ch. 1 w/ descrip. of jurisdiction

AUG.  
9th

p. 1 first paragraph-first you talk about the recommendations, then approval, then manage, then develop, then implement—so many verbs it's hard to know exactly what the proposal is here or who is in charge

-need to explicitly say what this project is trying to do

-if the purpose statement is going to say "maximize benefits" then the benefits (to whom, specifically) need to be defined later in the document

-p. 4 it's interesting we always talk about how much we import because how much do we export? I have heard that we export our stuff for more \$ and we import the cheap stuff

-p. 4 why does seaweed production get combined with finfish? This doesn't really make sense

-p. 5 may be impt here to discuss the barriers to entry or perhaps that's coming later, but what is the reason that aquaculture doesn't make up a large part? (it could be that we have cold water or continental shelf or ?)

-p. 8 it took a lot of background to get to this point

-p. 12 defer to Elizabeth 318 vs 402

-p. 13 If the proposed action may affect listed species or designated critical habitat, NMFS will complete a Section 7 consultation before the action is implemented. – proposed action that is the subject of this EIS or a future tiered action?

p. 17, line 1- this doesn't seem like the right place for this sentence and awkward transition

p. 17- EPA will recommend language to expand our NPDES role

p. 17 this isn't necessarily an accurate characterization If an aquaculture project would probably cause impacts to the human environment that are not addressed in a previous NEPA analysis, the permitting agency (or agencies) would prepare a NEPA document and submit it to the EPA for review.

Suggested delete. Alternatively, if they insist, then move to NEPA section. "cause impacts to the human envi" is incorrect

Overall note: when referring to "action" or "proposed action" make it clear whether it's the action that's the subject of this document or future yet-to-be-known actions

Overall comment: we have/we're working suggested language

p. 19 "additional" in title of table is confusing -additional to what exactly. Corrections needed for 100K

p. 23 assimilated?

p. 24 EPA will provide notice *in the federal register*. It is still the agency's responsibility to distribute and make available to the public on the web, newspapers, etc.

p. 24 I don't know if I would characterize this as a cooling off period as this implies anger/frustration and negative connotation. I would characterize as more of a final review where the public can still comment on a final agency action and have appropriate time to review the response to comments

p. 25 no aquaculture permit would be required under the no action is a little confusing- wouldn't it be better to say that aquaculture facilities would be permitted under other laws by NOAA on a case-by-case basis?

Thought- given the white house's push for streamlining- I think this eis could be "marketed" or described rather as streamlining and making permitting easier (related to comment above and related to accurately characterizing existing conditions in the NOAA permitting world)- but after reading bottom of p. 25 im not really sure anymore

p. 26- "baseline environmental effects" must be provided- this seems a little too open-ended

p. 27- we support the highlighted section of reasons for satisfying permit duration to be included (if there is any question whether it should be)- lack of information about migratory animals seems like a big one

p. 27 PENGUINS?

p. 30 what is level I and level II projects?

p. 30 an Aquaculture Advisory Panel (AAP) would be established to provide recommendations bi-annually to NMFS and the Council I feel like this is going to happen regardless of which alternative is chosen? If the council wants it- discussed later on p. 34 how is this group different than the council that already exists, don't understand the point of this group or why it is needed and how it meets the P&N

p. 31 yes we would also require this under alt 2. Usually in eis's like these I see a beginning section that says: the following applies to both alternatives or something like that.

p. 32 Permittees would also have to abide by monitoring and reporting requirements specified by the USACE and EPA in Section 10 and NPDES permits. Needs the word respectively here because these permits are very different and require very different things

p. 32 still doesn't feel like a good sell to separate these out like this

p. 32- this doesn't seem right, I think you would want to talk here instead about the envi risks associated with unknown technology?

p. 32 need to say WHEN and HOW these zones would be established because I remember them saying verbally it would just be "later" but I think the public is going to ask this question

p. 36 Cooperating agencies have the option to identify separate agency-preferred alternatives in an EIS, which will also be identified in the Final PEIS. HUH?

Interpretation of 40 Questions 6a and 6b- correction above to change the word identify to the word by "assist in providing their views"

## Questions for Meeting with David 5.18.18

1. P. 2-7 Pre-application checklist will be very important for deciding what information is necessary to make a determination on the type of permit. What is the process for developing the checklist and how will it be used?
2. Applicants must conduct a baseline environmental survey
3. 15 day permit issuance process still seems unrefined- where is the description of what kind of projects would fall under this?
4. How will nmfs define a complete application? P. 4-5
5. Purpose and Need/Federal Action: NMFS currently has no comprehensive program for management of all types of aquaculture in federal waters of the Pacific Islands Region (that is, in the U.S. EEZ around American Samoa, Guam, Hawaii, the Pacific Remote Islands, and the Northern Mariana Islands). As such the harvest of cultured aquatic species in Federal waters of the region is either unregulated or undertaken under permitting programs related to specific species and gear types. Therefore, the purpose of the Proposed Action is to establish a federal management program for aquaculture fisheries in the EEZ of the PIR. The aquaculture management program is needed to support long-term sustainable aquaculture in federal waters. This action was initiated to provide a comprehensive framework for regulating such activities to protect pelagic wild fish and fisheries by controlling where, how, and how much aquaculture is developed.  
-and setting up an advisory panel

Q: A comprehensive program is NOT the same as a framework procedure? Right? Alts describe how framework procedures will be set up later

Q: so is there no way for someone to get a permit right now? No, only in coral reef zones

Q: so the structure AT NOAA for how to get a permit is the subject of this EIS, but the circumstances for what is in the permit, and when an applicant would need one, is not fully decided yet (ch 5)

Q: as an example, program capacity (number of permits) is limited in alt 3- but we don't know by how much, just smaller than alt 2?

-in chap 4- limits are analyzed

Nepa would cover these-net pens aquaculture fin fish only- alt 3

Alt 2- no future prohibition – any type of cage

It doesn't have to be the preferred alternative

Q: future nepa?

Ch 2-7 you cant apply for a permit without having your other agency permits – what is the order?

In coordination with other agencies

Q: how many applications are they planning to accepting? They are not anticipating that many

6. Outline of Affected Environment Section:
  - 3.1 State of Industry and Science in Offshore Aquaculture- past and ongoing aquaculture research and commercial ventures
  - 3.2 Pelagic Area
  - 3.3 American Samoa
  - 3.4 Hawaii
  - 3.5 Mariana Archipelago
  - 3.6 Pacific Remote Island Areas- some eezs prohibit aquaculture

7. Clarification: Because the action area is federal waters seaward of the 3 nm state/territorial boundary, much of the natural resources and human activities most align with pelagic habitat. As such a full description of the pelagic resources common to all areas will be presented first. Only characteristics unique to the specific archipelagic areas of the other FEPs will be described in their respective sections.

8. cumulative impact maps in ch 4 seem nice

9. a main difference between Alt 2 and 3 is: Under Alternative 2, the applicant may choose the location for the aquaculture site whereas under Alternative 3, the applicant would be restricted to specific pre-established aquaculture zones;

Q: But that wont be discussed in this document? how does that get decided? I think I read it in ch 5 but now I don't remember. It will be decided much later by the council

10. good to keep in mind that chap 4 is: Each resource section begins with a discussion of the types of effects that can occur as a result of aquaculture in the PIR, followed by specific examples of these types of direct and indirect effects, followed by cumulative effects, using the Scenarios described in Section 4.5. Within each scenario, differences among the alternatives are presented.

-so the envi impacts are of permitting aquaculture, related to a baseline with little to no aquaculture

Each of the alternatives is evaluated using the 2 scenarios (big and small)

Melanie Brown is going to join call but retiring at the end of the month

David Nichols

-they want it to mirror fishing permits (timelines are in regs right now)

-but noaa hasn't done ESA

-inform rules that will amend FMP and FEP and final rules that's where everything would live

Comment: epa needs site locations for our permits, so noaa

A lot of things are going to be in guidance

Fishery management council already exists-

5 fishery ecosystem plans will be amended will be incl aquaculture mgmt. plan

-fep will be a statute- will allow noaa to write regs to develop specific regulations

Steph Notes 5/22

-NOAA has authority to establish this program under Magnuson stevens act

- In compliance with NEPA and Council on Environmental Quality (CEQ) regulations and agency guidance, the PEIS discloses the potential direct, indirect, and cumulative impacts on the human environment of the proposed management of aquaculture in federal waters of Hawaii and territorial waters of the PIR EEZ (see Chapter 4).

Notes on Aquaculture- call with Jessica Trice 9.9.16

NOAA issuing permits- fishery mgmt plan

-level of aquaculture would be

-noaa rule- fishery mgmt authority

Future site-specific NEPA

Interagency group for the gulf- mou- are there any work products

BSEE- bureau of safety and environmental enforcement had the benthic info

Species- which ones are we talking about

Jennifer malloy- aquaculture lead

R2- Puerto rico, virgin islands—EA

Followup: Jessica is going to send me any work products from the interagency group in the gulf and the EA from the caribbean

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## Meeting Prep

1. purpose and need- no questions on that right now- NOAA manages fisheries through FEPs and identifying areas via this PEIS would help fulfill NEPA requirements for amending FEPs

-some concern in the past about a federal action (such as CA where there is no FEP, and unknown what the gulf states have)

2. alternatives- only one action alt proposed right now

3. existing conditions- where are there aquaculture facilities right now

4. viability for shellfish in an acidifying ocean- future climate change impacts

5. spread of diseases to native fish

6. impact to local economies (who would own and operate, who would receive food, who would supply inputs)

7. cooperating agencies- Navy, marines, governments

8. one specific ask in the scoping notice has been for permitting requirements

9.

Hawaii→ DOH → EPA is not the permitting authority (3 mi within)

NOAA is working on monitoring guidance



New source is when it has to do NEPA

Alternative selection criteria- avoid marine protected areas, etc.

Ask Ann about the solar programmatic

May have to consider state water quality parameters

Guidance document for people who want

We have to do ESA compliance

Typhoon alley → storm surges

How deep they are going to be to withstand storms

Structural integrity

We have maintenance BMPs- debris control

Leasing of ocean space- commons?

Socioeconomic impacts to local (commercial or subsistence) fisherman

CNMI plan –

Multi-species? Diversity

Native vs nonnative

How does invasive species work in the pacific ocean?

Navy, coast guard, noaa, corps, boem, bsee, environmental coordinators

The refuges – Palmyra

Rodent eradications → boats, ships – biosecurity incl potential and what would be done to prevent rodents that could be devastating to island ecosystems

Fish aggregating devices

Currents- is a criteria that doesn't impact structural integrity

	Alternative 1. Status Quo/No Action	Alternative 2. Open Program	Alternative 3. Limited Program
General Description of Aquaculture Management Program:	No Action: A comprehensive aquaculture management program would not be implemented for the Pacific Islands Region. FFRs would not be amended to include an aquaculture management program and regulations would not be changed. No aquaculture permit would be required, except for the culture and harvest of coral reef ecosystem species, which require a Special Coral Reef Ecosystem Fishing Permit.	The FFRs and regulations would be amended to include a comprehensive aquaculture management program and would establish application requirements, operational requirements, and restrictions for aquaculture activities based on the level of operation of the proposed activity.	The FFRs and regulations would be amended to include a comprehensive aquaculture management program (more restrictive than Alternative 2) and would establish application requirements, operational requirements, and restrictions for aquaculture activities based upon the expected level of operation of the proposed activity. "more restrictive than Alternative 2"
Permit Requirements, Eligibility and Transferability	Require an aquaculture permit for conducting offshore marine aquaculture in Federal waters of the Pacific Islands Region. Any U.S. citizen or resident alien is eligible to apply. The permit would authorize deployment and operation of an offshore aquaculture facility and sale of allowable aquaculture species. Persons issued an aquaculture permit would also be authorized to possess or transport cultured species to and from an offshore aquaculture facility. Any vessel, aircraft, or vehicle authorized for use in aquaculture operations would be required to have a copy of the PIR Aquaculture Permit on board. Permit is transferable to qualified applicant.		Require separate siting and operating permits for conducting offshore marine aquaculture. Eligibility for permits is limited to U.S. citizens and permanent resident aliens. Permits would be non-transferable. Dealer permits would be required to receive cultured organisms and are non-transferable.
Application Requirements, Operational Requirements and Restrictions	<p>Establish application requirements, operational requirements, and restrictions for aquaculture permits.</p> <p>Application requirements include submission of an application, providing general contact information, descriptions of allowable aquaculture systems and equipment, providing site location coordinates, documentation of an assurance bond, an emergency disaster plan, a contractual arrangement with an accredited veterinarian, certification that broodstock were harvested from waters of the area, and certification that no genetically engineered or transgenic species would be used or possessed at the aquaculture facility.</p> <p>Application must include an Aquaculture Operations Plan (proposal) with specific information on the proposed activity and expected effects based on the aquaculture activity proposed. Operational requirements would include: a use it or lose it provision, documentation that broodstock are marked or tagged at the hatchery, certification that cultured animals are OIE-listed pathogen free prior to stocking in offshore systems, gear storage requirements, and various monitoring requirements.</p> <p>Applicants intending to use any drugs, biologics, and/or pesticides must do so in compliance with regulations of other federal agencies and specify their intent in the application. A locating device must be installed and maintained on each allowable aquaculture system used for grow-out.</p>		<p>Two permit systems requiring a siting permit prior to receiving an operations permit. Siting Permit: Siting Plan proposal would require a baseline environmental survey and modeling of potential impacts based on baseline data, site monitoring and operating plan in accordance with NMFS guidance and procedures consistent with Alt. 2.</p> <p>Operations Permit: Application for Operations Permit would occur after the Siting Permit such that any refined or new information about specific gear to be used or the baseline environmental survey could be incorporated.</p> <p>No one entity could be permitted for more than 25% of the annual production cap (if any limit is specified by NMFS).</p> <p>Minimum start-up requirement: At least 25 percent of aquaculture systems approved for use at a specific aquaculture facility at the time of permit issuance must be placed in the water at the site within 2 years of issuance of the permit, and allowable species for aquaculture must be placed in the aquaculture system(s) within 3 years of issuance. Failure to comply with these requirements will be grounds for revocation of the permit. A permittee may request a 1-year extension to the above time schedules in the event of a catastrophe (e.g., hurricane)."</p>
Permit Duration	<p>A short-term Special Coral Reef ecosystem fishing permit (SCREFP) (50 CFR §665.13) is required to harvest a coral reef ecosystem management unit species from waters of the U.S. EEZ in the western Pacific region using gear that is not specifically authorized in regulations. A SCREFP may include terms and conditions to control, monitor, and mitigate any potential environmental effects. This permitting process occurs on a case-by-case basis, with no formal coordination among relevant agencies to address related statutes, laws, acts, and regulations. SCREFP are issued in accordance with the criteria and procedures established in the following sections of the Code of Federal Regulations:</p> <p>American Samoa 50 CFR §665.124 Hawaii 50 CFR §665.224 Guam and CNMI (Mariana) 50 CFR §665.474</p>	<p>from NOAA?</p>	<p>An aquaculture permit would only be effective for 5 years and may be renewed in 5-year increments.</p>

Overall:  
is most  
likely  
having  
in our  
opinion

from NOAA?

← ?

re-scheduled

<p><b>Allowable Marine Aquaculture Systems</b></p>	<p>50 CFR §665.624</p> <p>SCRIPPs can be issued to allow "fishing" using aquaculture systems only for coral reef ecosystem species. The permit includes terms and conditions, emergency monitoring, and reporting plans to ensure compliance with the management objectives of the FEP. Permit modification is required to transfer the permit.</p>	<p>No specific prohibitions. Applicants required to submit detailed information on the proposed system, including engineering analysis, that would allow NMFS to conduct proposed specific reviews. Applicants must submit documentation sufficient to evaluate a system's ability to withstand physical stresses associated with storm events. NMFS may deny use of a proposed system or specify conditions for its use if it poses risks to essential fish habitat, endangered or threatened species, marine mammals, wild fish and invertebrate stocks, or public health or safety.</p>	<p>Only cages and net pens of specific construction and ranges of sizes would be authorized for use for aquaculture in waters of the U.S. EEZ in the Pacific Islands Region.</p>
<p><b>Siting Requirements and Restrictions</b></p>	<p>Prohibit aquaculture in any area where commercial fishing is prohibited.</p> <p>Consider prohibiting aquaculture near or within Council areas designated as HAPC, and other areas including artificial reef areas, special management areas (i.e., Bottomfish Restricted Areas or BRFAs), Naval training ranges or transit areas, tidal buoys, legal FADs, Penguin Banks, or commercial shipping lanes.</p> <p>NMFS would consider other siting restriction criteria on an individual project basis. Such criteria may include: 1) depth of site; 2) current speeds; 3) bottom type; 4) whether the site may become a wildlife attraction; 5) frequency of harmful algal blooms (HABs) or hypoxia; 6) marine mammal migratory pathways; or 7) special use areas.</p> <p>Aquaculture facilities would be sited on a project-specific basis according to the operations plan and facility detail. Permitted sites should be twice as large as the area encompassed by the allowable aquaculture systems to allow for fallowing and rotation of grow-out systems.</p> <p>Applicants must conduct monitoring at the site in accordance with NMFS guidelines and procedures.</p>	<p>Consider prohibiting aquaculture near or within Council areas designated as HAPC, and other areas including artificial reef areas, special management areas (i.e., Bottomfish Restricted Areas or BRFAs), Naval training ranges or transit areas, tidal buoys, legal FADs, Penguin Banks, or commercial shipping lanes.</p> <p>NMFS would consider other siting restriction criteria on an individual project basis. Such criteria may include: 1) depth of site; 2) current speeds; 3) bottom type; 4) whether the site may become a wildlife attraction; 5) frequency of harmful algal blooms (HABs) or hypoxia; 6) marine mammal migratory pathways; or 7) special use areas.</p> <p>Aquaculture facilities would be sited on a project-specific basis according to the operations plan and facility detail. Permitted sites should be twice as large as the area encompassed by the allowable aquaculture systems to allow for fallowing and rotation of grow-out systems.</p> <p>Applicants must conduct monitoring at the site in accordance with NMFS guidelines and procedures.</p>	<p>General siting restrictions would be the same as Alt. 2.</p> <p>Alt. 3 would have additional constraints as follows:</p> <p>Establish a limited number of marine aquaculture zones throughout the PIR based on the likelihood of economic viability, suitability of the site, and interest in aquaculture in the area, within which individual sites would be permitted. Aquaculture prohibited except in established aquaculture zones. These zones would not be exclusive for aquaculture.</p> <p>NMFS would establish specific criteria for siting requirements within these zones including: 1) depth of the site, 2) current speeds and benthic sediments, 3) potential for HABs or hypoxia at the proposed site, 4) marine mammal migratory pathways, and 5) location of the proposed site relative to special use areas.</p>
<p><b>Allowable Species</b></p>	<p>Only species listed either in the fishery or as an ecosystem component in the applicable archipelagic FEP could be cultured. For pelagic Management Unit Species (MUS), only species listed in the Pelagic FEP that naturally occur within the region of the proposed aquaculture facility could be cultured. Culture of non-native species would be prohibited.</p>	<p>Only species listed either in the fishery or as an ecosystem component in the applicable archipelagic FEP could be cultured. For pelagic Management Unit Species (MUS), only species listed in the Pelagic FEP that naturally occur within the region of the proposed aquaculture facility could be cultured. Culture of non-native species would be prohibited.</p>	<p>Same as Alt. 2.</p> <p>May include limitations on the species that would be authorized under the proposed Aquaculture Management Program. May restrict to only those species that have been previously cultured or that are likely to be successfully cultured. Culture of non-native species would be prohibited.</p>
<p><b>Record-keeping and Reporting Requirements</b></p>	<p>Recordkeeping and monitoring consistent with the operation plan requirements and as appropriate to the level of operation (i.e., as described for Level I or II projects).</p> <p>Records must be kept of: production, escapes, recapture, interactions with protected species, safety issues, gear conflict issues, and gear failure.</p> <p>NMFS would require current copies of aquaculture permit available for inspection at the offshore aquaculture grow-out facility and on any vessels or aircraft used during operations.</p>	<p>Recordkeeping and monitoring consistent with the operation plan requirements and as appropriate to the level of operation (i.e., as described for Level I or II projects).</p> <p>Records must be kept of: production, escapes, recapture, interactions with protected species, safety issues, gear conflict issues, and gear failure.</p> <p>NMFS would require current copies of aquaculture permit available for inspection at the offshore aquaculture grow-out facility and on any vessels or aircraft used during operations.</p>	<p>Same as Alt. 2.</p> <p>Require 24-hour electronic monitoring at aquaculture facility for the purposes of record keeping and reporting.</p> <p>Establish record-keeping and reporting requirements that also address pathogens and disease, broodstock harvest, water quality monitoring, aquaculture harvest and sales, and any other appropriate records necessary for evaluating and assessing the potential environmental impacts.</p> <p>Include a required electronic reporting process to allow NMFS to collect and monitor all data and information submitted by permittees.</p>
<p><b>Framework Procedures</b></p>	<p>N/A</p>	<p>Establish framework regulations similar to those existing in 50 CFR 665.18, which includes considering establishment of an advisory body, periodic reports to the Council, and periodic review of the aquaculture management program by the Council for recommending modifications to and new management measures for the program.</p> <p>Measures that could be adjusted through framework procedures include: 1) adjustments to harvest limits; 2) permit application requirements; 3) aquaculture operational requirements and restrictions; 4) requirements for allowable aquaculture systems used for growing cultured organisms; 5) allowable species; 6) siting requirements; and 7) recordkeeping and reporting requirements.</p>	<p>Same as Alt. 2.</p> <p>Establish an Aquaculture Advisory Panel (AAP) to develop framework procedures for modifying management measures for offshore marine aquaculture in the PIR EEZ. The Council would appoint an AAP to meet at least bi-annually to evaluate the aquaculture management program.</p> <p>The Aquaculture Program and associated management measures will be reviewed periodically based on the Council's request. The AAP may provide recommendations to the Council for their consideration including potential modifications to existing management measures and additional new management measures.</p>
<p><b>Program Capacity</b></p>	<p>N/A</p>	<p>No limit to the number of aquaculture permits.</p>	<p>Limited entry program based on capacity. Capacity criteria would include establishing a limit on participation, timing of fish harvest, amount of fish allowed for culture on an annual basis (i.e., production cap), cultured species, location, or density of the activity (i.e., how many facilities within an area).</p>

is not a  
monoculture  
proof for  
fisheries

add part of  
the PIR based on  
the likelihood of  
economic viability,  
suitability of the  
site, and interest  
in aquaculture in  
the area, within  
which individual  
sites would be  
permitted. Aquaculture  
prohibited except  
in established  
aquaculture zones.  
These zones would  
not be exclusive  
for aquaculture.

Archipelagic GULF EIS ✓  
SMA Site, Siting, Site → NOAA Blue 2 AHS capture that?

Pacific Islands Region Aquaculture Programmatic EIS Cooperating Agency Meeting Minutes	
Date: July 26, 2017	Time: 10:30-11:45 am (Hawaii)
Call In: 641-715-3580 Access Code: 443-868	
Meeting Purpose: Aquaculture PEIS Cooperating Agency Meeting	
<b>Attendees:</b> David Nichols, NOAA Aquaculture Specialist Anne Southam, ECO49 Consulting, Project Manager Michael Payne, ECO49 Consulting, Technical Specialist Emma Forbes, Triton Aquatics, Technical Specialist Elizabeth Sablad, EPA NPDES Permit Specialist Stephanie Gordon, EPA NEPA Review	

#### Purpose of the Meeting:

- Discuss EPA Cooperating Agency Status for Aquaculture PEIS
- Review Project Purpose and Need
- Review Preliminary Alternatives
- Discuss EPA Jurisdiction and NPDES Permitting
  - Specific EPA Thresholds for Permitting
- Streamlining future EPA and NMFS Permitting
  - Discuss purpose of PEIS as related to meeting EPAs needs for future permitting requirements
- EPA Roles and Responsibilities in the PEIS Process
- PEIS Schedule
  - Review schedule and timing of EPA feedback

#### Discussion

- Elizabeth – is the intent to have a permitting process that is more of a NOAA permitting process. Or does this
- Stephanie – can you discuss this difference between the “nation” (federal waters)...would this
- Get rid of Alternative titles?

#### NPDES

- Elizabeth – EPA guidance – HQ policy is that if facilities discharge, they need a permit. Thresholds are when they are designated when they need effluent limitation guidelines which are technology based guidelines. EPA has used these guidelines for facilities smaller than the threshold listed in the document. At this point, if an AQ facility is operating, they probably should apply for a permit.
  - HQ stated AQ facilities “not exempted from coverage”.
  - There are not many floating offshore facilities. Siting the California project is very challenging due to getting all the agencies on board.
- How will NMFS PEIS fit into the EPA NPDES process?
  - Helpful components of the PEIS would include:

- Consultations under ESA Section 7
- MSA
- CZMA
- Helpful if the EIS discussed these things so EPA could use that for their analysis.
- EPA has 5-year permit terms max. EPA permits must be re-issued every 5 years.
- MOA for the GOM program – what's the status of that with establishing the relationship with other agencies? That could be useful to you as related to a coordinated permitting process.
- EPA Water Quality Thresholds – offshore oil platform permits. Both 304(a) criteria – National Recommended Water Quality Criteria – Aquatic Life Criteria and Human Health Criteria; or something more stringent. If the site is “close” to state waters the EPA may use state standards.
- Ocean Discharge Criteria – Section 403. General statements are evaluated. Not sure if EPA has guidance has specific guidance (i.e., thresholds for Section 403).
- When EPA deals with new permits, it's a iterative process, and EPA gathers more information as the monitoring for each permit is submitted. Then EPA uses that new information to help guide how they issue future permits and how they monitor the facilities.
- Siting is also the biggest issue – flushing of the facility is important due to impacts to benthos.
- Monitoring is difficult because in some cases, monitoring benthos in very deep places is not reasonable.
- EPA is working with James Morris at EPA.
- WQ is almost a secondary issue to the siting issue – i.e., the San Diego facility – siting process has been a major challenge.
  - In San Diego – the Navy is sensitive about information getting disclosed.
  - Figuring out where a facility should or CAN be located due to use conflict.
- Ocean Disposal Sites – will we talk about siting in Ocean Disposal.
  - Anne – place this in the Sensitive Sites category.
  - Stephanie – what alternatives would EPA evaluate?
    - This would probably be location based or size of facility.
    - In some places, AQ facilities are phasing up – starting low and then adding net pens later. This would depend on whether WQ is acceptable.

#### **Roles & Responsibilities**

- EPA requests that the criteria are clearly defined. As long as these are clearly defined, it will meet EPA's needs.

#### **ACTION ITEMS**

- EPA to provide input on alternatives and scenarios to David and Anne by next Friday August 4th
- Anne to send Chapter 1 for EPA to insert discussion of responsibilities and jurisdiction related to AQ.
- David to send internal team the GOM MOA for Coordinating Agencies

↳ Gulf